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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ORACLE CORPORATION, *et al.*,

Plaintiffs,

v.

SAP AG, *et al.*,

Defendants.

Case No. 07-CV-1658 PJH (EDL)

**JOINT DISCOVERY CONFERENCE
STATEMENT**

1 Pursuant to the Court's April 28, 2008 Order, Defendants SAP AG, SAP America, Inc.,
2 and TomorrowNow, Inc. and Plaintiffs Oracle Corporation, Oracle USA, Inc., and Oracle
3 International Corporation hereby submit this Joint Discovery Conference Statement to assist this
4 Court's *de novo* review of the pending objections to Judge Legge's Reports and
5 Recommendations.

6 **1. Whether Re-briefing is Necessary.**

7 The parties have met and conferred and agree that they should defer to the Court's
8 preference regarding whether re-briefing would assist the resolution of the outstanding objections
9 filed by Defendants to Judge Legge's rulings. The parties will, at the Court's preference, either:
10 (1) re-brief the issues contained in the pending objections to Judge Legge's rulings and present
11 that re-briefing in one consolidated set of motion papers; or, (2) provide the Court with Judge
12 Legge's ruling on the issues to which Defendants have objected, along with the relevant portions
13 of the briefs considered by Judge Legge in reaching his ruling and Defendants' objections to the
14 same, so that the Court may consider whether it: (a) requires any further briefing; (b) wishes to
15 receive a written response and/or reply from one or both parties; and/or (c) wishes to hear any
16 oral argument.

17 **2. The Parties' Proposed Re-Briefing Schedule.**

18 In the event that the Court orders re-briefing, the parties propose the following schedule:

19 Defendants' opening brief	May 16, 2008
20 Plaintiffs' opposition brief	May 30, 2008
21 Defendants' reply brief	June 6, 2008
22 Hearing	To be set by the Court

1 DATED: May 1, 2008

JONES DAY

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3 By: /s/ Jason McDonell
4 Jason McDonell

5 Attorneys for Defendants
6 SAP AG, SAP AMERICA, INC., and
7 TOMORROWNOW, INC.

8 In accordance with General Order No. 45, Rule X, the above signatory attests that
9 concurrence in the filing of this document has been obtained from the signatory below.

10 DATED: May 1, 2008

BINGHAM McCUTCHEN LLP

11
12 By: /S/ Geoffrey M. Howard
13 Geoffrey M. Howard

14 Attorneys for Plaintiffs
15 ORACLE CORPORATION, ORACLE
16 INTERNATIONAL CORPORATION, and
17 ORACLE USA, INC.
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